IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13026 of 2004

Between:

N. Lakshminarayana Goud, S/o Balaraj Goud,
R/o. H.No. 1-14-29, Lothukunta, Secunderabad - 15..

..... PETITIONER

AND

1 The Commissioner & Inspector General of Registration & Stamps,

A.P., Hyderabad

2 The Special Officer & Competent Authority, Urban Land Ceiling,

Hyderabad
3 The District Registrar, R.R. District at Moorapet, Hyderabad.
4 The Sub-Registrar, Vallabhnagar, Begumpet, Hyderabad.
5 The Sub-Registrar, Mehdipatnam, Hyderabad.
6 The Sind Cooperative Urban Bank Ltd. Prenderghast Road,

Secunderabad, rep. by its Managing Director.
7 The Commissioner, Alwal Municipality, Alwal, Secunderabad.
8 J. Purushotham, S/o. J. Ramachandraiah,
R/o. 7-912, Subhash Road, Secunderabad.
9 J. Srinivasulu, S/o. J. Ramachandraiah,
R/o. 7-912, Subhash Road, Secunderabad.
10 J. Krishna Murthy, S/o. J. Ramachandraiah,
R/o. 7-912, Subhash Road, Secunderabad.
11 J. Venkateswara Rao, S/o. J. Ramachandraiah,
R/o. 7-912, Subhash Road, Secunderabad.
12 Smt. P. Gracelatha, W/o. Prasangi,
R/o. H.No. 14-21, Lothukunta, Alwal, Secunderabad.
13 Dr. P. Prasangi, S/o. P. Sudershanam,
R/o. 14-21/D, Lothukunta, Secunderabad.
14 P.S. Satyanandam, S/o. P. Sudershanam,
R/o. H.No. 24-138, Indira Nagar, Lothukunta, Secunderabad.

15 P. Solomon Raju, S/o. P. Sudershanam,
R/o. 1-3-62, Old Alwal, Secunderabad-10.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of respondents 1 to 7 in taking necessary action in respect of property beaing Dr.No. 14-21 in an extent of 2982 sq.yards, in S.No. 284 and 293, situated in Lothukunta by allowing the respondents 7 to 15 to meddle with the property by way of Registered Documents Nos. 6257/84, dt. 27-10-84, 1268 to 1270 dt. 26-4-96, 1670/2002, 1672/2002, 1674/2002, dt. 31-5-2002, 1889/2002, 1890/2002, dt. 24-6-2002, 2228/2002, dt. 25-7-2002 and 3264/2002, seriously affecting the rights and interest of the petitioner in the property is highly arbitrary, unjust and opposed to the principles of natural justice and contrary to the orders of Special Officer and Competent authority, Urban Land Ceiling, Hyderabad dt. 25-4-1981 in Proceedings No.F1/4536/76 declaring an extent of 429.80 sq. meters out of 2982 sq.yards as excess land and also contrary to Sec.10 and 11 of Urban Land Ceiling Act and the provisions of the Indian Registration Act, M.C.H. Act, Cooperative Banking Laws and consequently direct the respondents 1 to 7 to take necessary action on the representations of the petitioner herein dt. 10-11-99, 22-1-2000, and 29-2-2000.

Counsel for the Petitioner:MR.P.RAJASEKHAR

Counsel for the Respondent Nos. 1 to 5: GP FOR REVENUE

Counsel for the Respondent Nos.6 to 15: None appears

The Court made the following :

ORDER:

The case of the petitioner is that one Sulochana filed a declaration before Special Officer and Competent Authority, Hyderabad Urban Agglomeration under the provisions of Urban Land (Ceiling and Regulation) Act, 1976. She declared a holding of 2494 Sq.mts (2982 Sq.yards). By proceedings dt.25.4.1981 the Special Officer and the Competent Authority, second respondent herein, declared Sulochana to be a surplus holder in respect of 429.80 Sq.meters. A suit being O.S.No.9 of 1993 in respect of house No.14-21 covered by S.Nos.284 and 293 was filed by one Nemuri Prakash. In the said suit Sulochana figured as plaintiff No.7. Sulochana sold an extent of 2982 Sq.yards to one J.Purushotham, and eight others. The petitioner alleges that same is contrary to proceedings of the Special Officer and Competent Authority dt.25.4.1981. He also alleges that the authorities did not raise any objection and therefore the persons who purchased the land from Sulochana in turn sold the property to Smt.P.Gracelatha, respondent No.12, and three others

under three registered sale deeds. The petitioner claims that he is directly affected by these sales and these sales were effected in collusion with official respondents and unofficial respondents. Therefore, he submitted representations to the authorities on 16.8.1999, 10.11.1999, 22.1.2000 and 29.9.2000 to take necessary action for conducting enquiry into these transactions, in vain. Hence, he is before this Court.

It is not disclosed before this Court as to how the petitioner is aggrieved by sales allegedly effected by Sulochana and subsequently by her vendees. The affidavit in support of the Writ Petition is also silent as to how he is aggrieved or what is the position with regard to O.S.No.9 of 2003 on the file of the District Judge, Ranga Reddy District. In the absence of any pointed grievance for redressal, it is not possible for this Court to entertain the Writ Petition wherein petitioner seeks a roving enquiry into the sale transactions made during the last two decades in respect of lands presumably comprised in S.Nos.284 and 293. Further, a reading of the affidavit would show that the dispute is a private law dispute and nothing is required to be adjudicated in public law remedy. If the petitioner is so advised, he can approach the Civil Court and seek appropriate declaration for cancellation of the sale deeds. The Writ Petition is not a proper remedy.

The Writ Petition with the above observations is dismissed. No costs.

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(V.V.S.RAO, J)

27.7.2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner & Inspector General of Registration & Stamps,

A.P., Hyderabad

2 The Special Officer & Competent Authority, Urban Land Ceiling,

Hyderabad

3 The District Registrar, R.R. District at Moorapet, Hyderabad.

4 The Sub-Registrar, Vallabhnagar, Begumpet, Hyderabad.
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Secunderabad, rep. by its Managing Director.
7 The Commissioner, Alwal Municipality, Alwal, Secunderabad.
8 2 CCs to GP for Revenue, High Court Bldgs., Hyderabad (OUT)

9 2 CD copies.